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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Michael Jackson, ) CV 11-00448-PHX-FJM

10 Petitioner, ) **ORDER**

11 vs. )

12 Randy Tracy; Gila River Indian )  
13 Community Court, )

14 Respondents. )  
15 \_\_\_\_\_ )

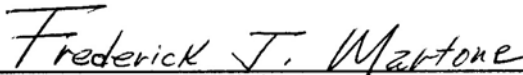
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17 The court has before it petitioner's motion to amend judgment (doc. 33). Respondents  
18 did not respond, and the time for responding has expired.

19 On August 28, 2012, we entered an order denying petitioner's petition for writ of  
20 habeas corpus (doc. 31). Petitioner challenged his conviction in tribal court pursuant to 25  
21 U.S.C. § 1303. Included in that order was language denying petitioner a certificate of  
22 appealability. The clerk's judgment incorporated the order by reference. Petitioner asks us,  
23 pursuant to Rule 59, Fed. R. Civ. P., to amend the order and judgment to delete the reference  
24 to the certificate of appealability, as a certificate is not required in cases not arising under §  
25 2255 and not involving a state court detention. Petitioner is correct that the certificate of  
26 appealability language is superfluous. See 28 U.S.C. § 2253(c); Harrison v. Ollison, 519  
27 F.3d 952, 958 (9th Cir. 2008).

28 Accordingly, **IT IS ORDERED GRANTING** petitioner's motion to amend judgment

1 (doc. 33). The clerk shall file the amended order denying the petition for writ of habeas  
2 corpus and amend the judgment accordingly.

3 DATED this 18<sup>th</sup> day of September, 2012.

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 Frederick J. Martone  
7 United States District Judge  
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